

Sixth Appellate District

San Jose, California

MONDAY, JUNE 23, 2003

H024742 SILVA v. SILVA

The court's protective order is affirmed. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J.,
Wunderlich, J.)
Filed June 23, 2003

H023824 ASMELASH v. BRAGA

The trial court's denial of Sarah's JNOV motion is reversed.
The trial court is directed to enter an order granting the JNOV
motion on the cause of action for negligence per se/section 21950
violation. The matter shall then proceed to trial on damages.
The trial court's order granting Sarah's motion for a new trial
is vacated as moot and Braga's appeal is dismissed. Costs on
appeal to Sarah. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed June 23, 2003

H023476 CARLBLOM v. DOCTORS' BILLING SERVICES, INC.

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed June 23, 2003

H022450 BANDLER v. LUZI; HALL

H022830 NOT LTD. v. UNLIMITED, LTD., et al.; BANDLER v. HALL

The judgment is affirmed. Due to Bandler's heavy emphasis
upon the claimed error in granting summary judgment Hall is
entitled to attorney fees on appeal consistent with the trial
court's previous calculation of Hall's entitlement to such fees.
(See Cal. Rules of Court, rule 27(a)(2) & (4).) The cause is
remanded to the trial court solely to determine appropriate fees.
(not published)
(Rushing, P.J.; We concur: Bamattre-Manoukian, J., Mihara, J.)
Filed June 23, 2003

TUESDAY, JUNE 24, 2003

H024235 PEOPLE v. SILVA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed June 24, 2003

Sixth Appellate District

San Jose, California

Tuesday, June 24, 2003 (continued)

H024187 MORTON v. WAGNER

The order granting the petition for injunction prohibiting harassment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed June 24, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; Wunderlich, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H024153 PEOPLE v. SOTO

Cause called and argued by Kieran Manjarrez appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024547 PEREZ v. PEREZ

Cause called. Appellant Magalys Perez does not appear. James F. Omar appears for Respondent. Cause ordered submitted without oral argument.

H02467 PEOPLE v. OLIVEIRA

Cause called and argued by Lora F. Martin appearing for Appellant and by Michael E. Banister, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025093 In re DAVID T., a Minor

Cause called and argued by Senya Means appearing for Appellants and by Shannon M. Sullivan, Deputy Co. Counsel, appearing for Respondent and by Catherine C. Czar appearing for Respondent minor. Cause ordered submitted.

H023607 HOWARD v. TAM

H024215 HOWARD v. TAM

Cause called and argued by John A. Shepardson appearing for Appellant and by Jeffrey A. Chadic appearing for Respondent. Cause ordered submitted.

H024777 ROCCHET v. CATER

Cause called and argued by Lyman D. Bedford appearing for Appellant and by Randall B. Schmidt appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, June 24, 2003 (continued)

H024625 TOCCHET v. FOREST

Cause called and argued by Lyman D. Bedford appearing for Appellant and by Charles E. Perkins appearing for Respondent. Cause ordered submitted. Court recesses until 1:30p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Bamattre-Manoukian, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H024871 SAN JOSE PARKING, INC. v. SUPERIOR COURT; CITY OF SAN JOSE REDEVELOPMENT AGENCY

Cause called and argued by Norman Matteoni and Peggy O'Laughlin appearing for Petitioner and by Robert Fabela appearing for Real Party in Interest. Cause ordered submitted. Rushing, P.J. leaves the bench and Premo, Acting P.J. takes the bench.

H023721 AUSTIN v. WISKEL, et al.

Cause called and argued by Stephen VonTill appearing for Appellant and by James Der appearing for Respondents. Cause ordered submitted without argument. Mihara, J. leaves the bench and Wunderlich, J. takes the bench.

H023595 PEOPLE v. BURNETT

Cause called and argued by Arthur Dudley appearing for Appellant and by David Baskind, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024766 SHAYESTEH v. SHAYESTEH

Cause called and argued by James Seymour appearing for Appellant and by William Wilburn appearing for Respondent. Cause ordered submitted. Court adjourns.

H025209 PEOPLE v. GRAY

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)
Filed June 24, 2003

Sixth Appellate District

San Jose, California

WEDNESDAY, JUNE 25, 2003

H025262 PEOPLE v. ADRAGNA

The judgment is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed June 25, 2003

H023826 MIGDAL v. SKRABO, et al.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed June 25, 2003

H022122 TOPSAIL COURT HOMEOWNERS ASSOCIATION v. COUNTY OF SANTA CRUZ; SOQUAL CREEK WATER DISTRICT

The judgment is reversed. The trial court is directed to vacate its original order partially granting the petition and to enter a new order denying the petition. The parties shall bear their own appellate costs. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed June 25, 2003

H023451 PEOPLE v. WOOD

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Wunderlich, J.)
Filed June 25, 2003

H023399 PEOPLE v. RIVERA

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed June 25, 2003

H024300 PEOPLE v. MORENO

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed June 25, 2003

H023622 PEOPLE v. NGUYEN

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed June 25, 2003

Sixth Appellate District

San Jose, California

THURSDAY, JUNE 26, 2003

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Bamattre-Manoukian, J.; and Jane V. Flor, Deputy Clerk.

H024913 DFCS v. SANDIE D., et al.

Cause called and argued by Catherine F. Campbell appearing for Appellant Sandie D., Ann Jory appearing for Appellant Larry S., Teri L. Robinson, Deputy County Counsel, appearing for Respondent, and by Robert J. Masterson, Deputy District Attorney, appearing for the minor. Cause ordered submitted.

Rushing, P.J. leaves the bench and Wunderlich, J. takes the bench.

H024719 HERON, et al. v. KELLEY WEST SANTA CLARA ASSOCIATES, et al.; L'OMELETTE

Cause called and argued by Jeffrey Bruce Kirschenbaum appearing for Appellants Heron, et al. and by Gay Danforth appearing for Defendants Kelley West Santa Clara Associates, et al. and by Charles G. Renati appearing for objector L'Omelette. Cause ordered submitted.

H023320 BEACH PARK ASSOCIATES v. HERON, et al.; HARRINGTON, et al.

Cause called and argued by Jeffrey A. Baruh appearing for Appellant Beach Park Associates and by Jeffrey Bruce Kirschenbaum appearing for Appellants Heron, et al.

Premo, Acting P.J. leaves the bench and Mihara, J. takes the bench.

H025846 JENNIFER K. v. SUPERIOR COURT OF SANTA CLARA COUNTY; DFCS

Cause called and argued by Elisabeth Aimee Lord appearing for Petitioner and by Teri L. Robinson, Deputy County Counsel, appearing for Real Party in Interest and by Robert J. Masterson, Deputy District Attorney, appearing for the minor. Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Thursday, June 26, 2003 (continued)

H024186 DOWNEY v. HARTFORD FIRE INSURANCE COMPANY

By the Court*:

Appellant's petition for rehearing is denied.

Filed: June 26, 2003

*Before Rushing, P.J., Elia, J. and Mihara, J.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California.

Present: Premo, Acting P.J.; Bamattre-Manoukian, J.; Wunderlich, J.; and Beth Miller, Deputy Clerk.

H024108 PEOPLE v. HATHORN

Cause called and argued by David D. Martin appearing for Appellant and by Jeffrey M. Laurence, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024006 PEOPLE v. LOFFLAND

Cause called and argued by Peter A. Leeming appearing for Appellant and by Christopher J. Wei, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H024485 PEOPLE v. ZAMORA

Cause called and argued by Jonathan Grossman appearing for Appellant and by Jeremy Friedlander, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H023234 BALLARD, et al. v. FAHMY, et al.

Cause called and argued by Vincent J. Kilduff appearing for Appellants and by Victoria Booke appearing for Respondents. Cause ordered submitted. Court adjourns.

FRIDAY, JUNE 27, 2003

H024481 BOGHOS v. LLOYD'S OF LONDON, et al.

By the Court*:

Appellant's petition for rehearing is denied.

Filed: June 27, 2003

*Before Rushing, P.J., Premo, J. and Wunderlich, J.

Sixth Appellate District

San Jose, California

Friday, June 27, 2003 (continued)

H024189 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Bamattre-Manoukian, J.)
Filed June 27, 2003

H024492 PEOPLE v. LOPEZ

The judgment on count 2 is affirmed. The judgment on count 1, assault with a deadly weapon is reversed. The clerk of the superior court is instructed to issue an amended abstract of judgment and forward a copy to the Department of Corrections. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed June 27, 2003

H024481 BOGHOS v. LLOYD'S OF LONDON, et al.

The Court:

The written opinion filed on May 29, 2003, is certified for publication. (Rushing, P.J.; Premo, J., Wunderlich, J.)

The written opinion filed on May 19, 2003 has now been certified for publication in its entirety pursuant to rule 976(b) of the California Rules of court, and it is therefore ordered that it be published in the Official Reports.

Dated: June 27, 2003 Rushing, P.J.

H024766 SHAYESTEH v. SHAYESTEH

The judgment is affirmed. Costs to wife. (not published)
(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)
Filed June 27, 2003

H024118 PEOPLE v. CHAVEZ

By the Court*:

Appellant's petition for rehearing is granted.
Filed: June 27, 2003
*Before Rushing, P.J., Premo, J. and Elia, J.

H022010 PEOPLE v. JACKSON

The judgment is reversed. (published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed June 27, 2003

Sixth Appellate District

San Jose, California

Friday, June 27, 2003 (continued)

H024715 In re RONNIE GENE BUSH on Habeas Corpus

By the Court*:

Respondent's petition for rehearing is denied.

Filed: June 27, 2003

*Before Bamattre-Manoukian, Acting P.J., Wunderlich, J. and Mihara, J.

H024777 TOCCHET v. CATER

H024625 TOCCHET v. FORREST

The judgments in favor of Cater and Forest are affirmed.

(not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed June 27, 2003

H024563 PEOPLE v. REYNA G.

The juvenile court's dispositional order that reflects the "special conditions" of probation is modified to read as follows: "No gang activity. [¶] No gang clothing. [¶] No new gang tattoos. [¶] For the purposes of the above conditions, the word 'gang' means a 'criminal street gang' as defined in Penal Code section 186.22, subdivisions (e) and (f)." Except to the extent of this modification, the juvenile court's dispositional order is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Elia, J.)

Filed June 27, 2003

H024913 IN RE NICKLOUS S.; DFCS v. SANDIE D., et al.

The judgment terminating parental rights of both parents is reversed. (not published)

(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)

Filed June 27, 2003

H025846 JENNIFER K. v. SUPERIOR COURT; D.F.C.S.

The petition for extraordinary writ is denied. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J., Mihara, J.)

Filed June 27, 2003

Sixth Appellate District

San Jose, California

Friday, June 27, 2003 (continued)

H024153 PEOPLE v. SOTO

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed June 27, 2003

H023607 HOWARD v. TAM

H024215 HOWARD v. TAM

The judgment and postjudgment rulings denying preparation of
a settled statement, relief from judgment, and postjudgment
discovery are affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Wunderlich, J.,
Mihara, J.)
Filed June 27, 2003